

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3965

By: Caldwell (Chad)

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6 AS INTRODUCED

7 An Act relating to hotels; providing for legislative  
8 intent; requiring hotel employers to provide panic  
9 button upon request of employees; requiring posting  
10 of certain notice; providing for rights of hotel  
11 employee after act of violence, sexual assault or  
12 sexual harassment; prohibiting discharge,  
13 discrimination or retaliation against employee;  
14 defining terms; providing for civil penalty;  
15 establishing minimum standard to protect against  
16 violence or sexual harassment; providing for  
17 noncodification; providing for codification; and  
18 providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

The Legislature hereby finds and declares:

1. It is the intent of this act to protect hotel employees from  
violent assault, including sexual assault, and sexual harassment,  
and to enable those employees to speak out when they experience  
harassment or assault on the job; and

1        2. Hotel employees are often asked to work alone in hotel  
2 rooms, which sometimes may be occupied, placing them at risk of  
3 violent assault, including sexual assault, and sexual harassment.

4        SECTION 2.        NEW LAW        A new section of law to be codified  
5 in the Oklahoma Statutes as Section 519 of Title 15, unless there is  
6 created a duplication in numbering, reads as follows:

7        A. A hotel employer shall do all of the following upon request  
8 of an employee:

9        1. Provide employees working alone in a guestroom with a panic  
10 button, free of charge. The employee may use the panic button and  
11 cease work if the employee reasonably believes there is an ongoing  
12 crime, harassment or other emergency happening in the employee's  
13 presence. The hotel employer shall develop an appropriate protocol,  
14 including any necessary training, for how staff, security and  
15 management shall respond when a panic button is activated. The  
16 protocol shall be calculated to ensure an immediate on-scene  
17 response to the greatest extent possible; and

18        2. Post a notice on the back of each guestroom door with the  
19 heading, "The Law Protects Hotel Housekeepers and Other Employees  
20 from Sexual Assault and Harassment". The notice shall be printed in  
21 no less than 18-point type and state that panic buttons are provided  
22 to hotel employees assigned to work alone in guestrooms, including  
23 housekeepers and room servers.

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1 B. If an employee informs the hotel employer that the employee  
2 has been subjected to an act of violence, sexual assault or sexual  
3 harassment by a guest, then the hotel employer shall do the  
4 following:

5 1. Provide the employee with paid time off to contact law  
6 enforcement, seek injunctive or other legal relief, contact an  
7 attorney, or seek medical treatment, counseling, or other services  
8 for any physical or psychological injuries resulting from the act of  
9 violence, sexual assault or sexual harassment. As a condition of  
10 taking time off for purposes of this paragraph, the employee shall  
11 give the employer reasonable advance notice of the employee's  
12 intention to take time off, unless the advance notice is not  
13 feasible. When an unscheduled absence occurs, the hotel employer  
14 shall not take an adverse action against the employee if the  
15 employee, within a reasonable time, provides documentation showing  
16 that the absence was for a reason set forth in this subsection;

17 2. Provide, upon request by the employee, reasonable  
18 accommodations for the employee who has been subjected to an act of  
19 violence, sexual assault or sexual harassment by a guest.  
20 Reasonable accommodations may include, but are not limited to,  
21 transfer, reassignment, modified schedule, or any other reasonable  
22 adjustment to a job structure, workplace facility or work  
23 requirement;

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1           3. Upon request of the employee, report the act committed  
2 against the employee to law enforcement if the act constitutes a  
3 crime; and

4           4. Comply with any other obligations required by any applicable  
5 local, state or federal law, including, but not limited to, the  
6 requirement to investigate all reports of workplace harassment and  
7 to take appropriate corrective actions.

8           C. A hotel employer shall not discharge or in any manner  
9 discriminate or retaliate against an employee who reasonably uses a  
10 panic button, reports an act of violence, sexual assault or sexual  
11 harassment, takes time off, or requests reasonable accommodations as  
12 provided by this section.

13           D. For purposes of this section:

14           1. "Employee" means an individual who, in any particular  
15 workweek, performs at least two (2) hours of work for a hotel  
16 employer. Employee also includes a subcontracted worker;

17           2. "Hotel employer" means a person, including a corporate  
18 officer or executive, who directly or indirectly, including through  
19 the services of a temporary staffing service or agency, employs or  
20 exercises control over the wages, hours or working conditions of  
21 employees at a hotel, motel, bed and breakfast, inn or similar  
22 transient lodging establishment; and

23           3. "Panic button" means an emergency contact device that an  
24 employee can use to summon immediate on-scene assistance from

1 another employee, security personnel or representative of the hotel  
2 employer.

3 E. A hotel employer that violates this section shall be subject  
4 to a civil penalty of One Hundred Dollars (\$100.00) for each day  
5 that the violation continues, not to exceed One Thousand Dollars  
6 (\$1,000.00).

7 F. This section establishes a minimum standard to protect  
8 against violence or sexual harassment of all hotel employees in this  
9 state, unless not subject to this section, and is in addition to,  
10 and supplementary to, any other federal, state or local law or  
11 ordinance, or any rule or regulation issued thereunder. A city,  
12 county or municipality shall have the power to adopt laws or  
13 ordinances, and rules and regulations thereunder, establishing  
14 antiviolenace and antiharassment standards for hotel employees within  
15 their jurisdictions. Antiviolenace and antiharassment standards for  
16 hotel employees established by applicable federal, state or local  
17 law or ordinance, or any rule or regulation issued thereunder, which  
18 are more favorable to hotel employees than the minimum standards  
19 applicable under this section, or any rule or regulation issued  
20 hereunder, shall not be affected by this section and those other  
21 laws, rules or regulations, and shall have full force and effect and  
22 may be enforced as provided by law.

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1 SECTION 3. This act shall become effective November 1, 2020.

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